

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00437

Lloyd Crabtree,
Plaintiff

v.

Chief Appraiser Amanda Thibodeaux,
Defendant.

ORDER

Plaintiff Lloyd Crabtree, proceeding pro se, initiated this action against defendant Amanda Thibodeaux on November 14, 2022. Doc. 1. On December 6, 2022, defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Doc. 7. This cause of action was referred to Magistrate Judge John D. Love who issued a report recommending that defendant's motion be granted and that plaintiff's claims be dismissed with prejudice for failure to state a claim upon which relief can be granted. Doc. 9. Plaintiff filed objections to the report and recommendation on January 6, 2023. Doc. 11.

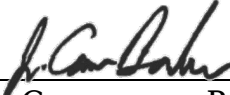
The court reviews the objected-to portions of a report and recommendation de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). The court reviews all unobjected-to portions of the report and recommendation only for clear error or abuse of discretion. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Plaintiff's objections state that he intends to prove that the Federal Rules of Civil Procedure are unconstitutional, and that the

existence of the Upshur County appraisal district is an unconstitutional ex post facto law passed by the State of Texas. Doc. 11. Plaintiff's objections are without merit and fail to overcome the deficiencies outlined by the magistrate judge in his report and recommendation. Plaintiff's allegations are frivolous and fail to state a claim for relief in compliance with the requirements of Rule 8(a)(2). The court agrees with the magistrate judge that attempts at amendment would be futile.

Accordingly, the report and recommendation (Doc. 9) is accepted. Fed. R. Civ. P. 72(b)(3). Defendant's motion (Doc. 7) is granted. Plaintiff's claims are dismissed with prejudice for failure to state a claim.

So ordered by the court on January 10, 2023.



J. CAMPBELL BARKER
United States District Judge